

## FORM LETTER #1

To acknowledge receipt of a  
complaint by an Office other  
than the ARA/FHEO or Central  
Office/FHEO

Ms. Mamie Writer  
President, Yolander County  
Chapter NAACP  
P. O. Box 333  
Westerville, Ohio 43087

Dear Ms. Writer:

This is to acknowledge receipt of your letter-complaint (mailgram, telegram, post card) of February 30, 1975, alleging denial of participation of minorities in the Urban Renewal Program of Westerville.

The Regional Office of Fair Housing and Equal Opportunity of this Department has the responsibility for investigating such matters as those referenced in your letter. I am therefore referring your letter-complaint to our Regional Office serving your area for appropriate action and disposition.

If you should have additional information you wish to convey or questions concerning this matter, please direct them to:

Mr. Roger Theraurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity  
U. S. Department of Housing and  
Urban Development  
504 Mercy Boulevard  
Rotunda, Illinois

You should be hearing from that Office in the near future.

Sincerely,

Appropriate HUD Official

APPENDIX 3.2(a)

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FORM LETTER #2(a)

To acknowledge receipt of a  
complaint by ARA/FHEO

Ms. Mamie Writer  
President, Yolander County  
Chapter, NAACP  
P. O. Box 333  
Westerville, Sohio 43807

Dear Ms. Writer:

This is to acknowledge receipt of your letter-complaint (mailgram, telegram or post card) of February 30, 1975, in which you alleged that minorities were not afforded the opportunity to participate in the Urban Renewal Program of Westerville, Sohio.

An investigator will be assigned to investigate your complaint. In the interim, if you have additional information you wish to convey please feel free to contact this Office by telephoning (301) 197-4444, or writing to me at the above imprinted address.

You may be assured that a member of my staff will be contacting you within the very near future.

Sincerely,

ARA/FHEO

## FORM LETTER #2(b)

To acknowledge receipt of a complaint  
which does not invoke FHEO jurisdiction

NOTE: This form letter may be adopted  
to serve when the complaint would be  
referred to another Federal department  
or agency.

Ms. Mamie Writer  
P. O. Box 333  
Westerville, Ohio

Dear Ms. Writer:

This is in response to your letter-complaint of February 30, 1975,  
which directs our attention to the alleged failure of the City of  
Smackover, Ozium, to continue funding your program under the  
Community Development Block Grant Program.

The Office of Fair Housing and Equal Opportunity in this Department  
has the responsibility for administering and enforcing Executive  
Orders, statutes and other Federal laws designed to afford all  
persons an equal opportunity to participate in HUD programs, and  
the employment and business opportunities generated by such  
programs, without regard to race, color, national origin, sex,  
or religion. The situation you described in your letter does not  
appear to fall within the authorities administered or enforced  
by this Office.

I have, therefore, referred your letter to the Office of Community  
Planning and Development of this Department for consideration and  
appropriate action. The Office of Community Planning and Develop-  
ment is responsible for administering the functions and programs  
of the Department which relates to the Community Development  
Block Grant Program.

Further inquiries regarding this matter should be addressed to:

(appropriate name and title)

If there are other matters which appear to fall within the juris-  
diction of this Office, or if you need assistance in detailing  
such a complaint, please do not hesitate to call on us.

Sincerely,

AS/FHEO

APPENDIX 3.3

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## FORM LETTER #3

## Second Letter to Complaint

NOTE: Form Letter #3 may be combined with #2, as appropriate (see Handbook, Chapter 3)

Ms. Mamie Writer  
President, Yolander County  
Chapter NAACP  
P. O. Box 333  
Westerville, Sohio

Dear Ms. Writer:

Your letter-complaint (mailgram, telegram, or post card) of February 30, 1975, alleging denial of participation of minorities in the Urban Renewal Program of Westerville, has been directed to this Office by the Westerville Area Director of this Department.

Your complaint has been reviewed. In preparation for a possible investigation, we would like to discuss the matters stated in your letter with you by telephone. Please send a telephone number and state a time between the hours of 9:00a.m. and 5:00 p.m. when it would be convenient for a member of my staff to call you.

Sincerely,

ARA/FHEO

## FORM LETTER #4(a)

To announce a compliance review

NOTE: For letter #4(a) may be combined with Form Letters #5,6,7, or 8 as appropriate.

Mr. Random Martin  
Executive Director, Smackover  
Housing Authority  
555 North Street  
Smackover, Ozuim

Dear Mr. Martin:

Section 1.7(a) of the Departmental Regulation implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provides for a periodic review of the practices of recipients of Federal assistance to determine whether they are complying with nondiscrimination requirements of Title VI of the Civil Rights Act of 1964.

Local HUD assisted (Authorities) are selected for compliance reviews on the basis of population and racial character of their locality, existence, size and nature of housing and community development programs; date of last compliance review; complaints, etc. Your Authority, among others in our Region, has been so selected.

Member(s) of our Regional Office of Fair Housing and Equal Opportunity staff will conduct the review. Their present schedule will permit them to visit your (Authority) during the week of March 24, 1975. Please advise us promptly by telephone if that time is inconvenient for you and your staff. You may confirm this time, or suggest another, by calling Ms. Yolanda Tucson of my staff, on (111) 777-7777.

Please be assured of my appreciation of your cooperation in this important matter.

Sincerely,

Roget Thesarus  
ARA/FHEO

cc: see Form Letter 3.11

APPENDIX 3.4(b)

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## FORM LETTER #4(b)

To announce a compliance review under  
the HUD Equal Employment Opportunity  
Contract clause

NOTE: Form Letter #4(b) may be combined  
with #5,6,7, or 8, as appropriate.

Mr. Random Martin  
Executive Director, Smackover  
Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

Contracts between this Department and HUD recipient contractors contain an equal employment opportunity clause which states in part: In the carrying out of the Project, the Local Public Agency will not discriminate against any employee or applicant for employment because of race, color, or national origin. The Local Public Agency will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. This provision has been included in HUD contracts since 1968.

The Office of Fair Housing and Equal Opportunity of this Department conducts periodic reviews of the employment practices of HUD recipient contractors to determine whether they are complying with the equal employment opportunity clause of their contract. Your Authority, among others in our Region, are scheduled for such a review.

Member(s) of our Regional Office of Fair Housing and Equal Opportunity staff will conduct the review. Their present schedule will permit them to visit your (Authority) during the week of March 24, 1975. Please advise us promptly if that time is convenient for you and your staff. You may confirm this time, or suggest another, by calling Ms. Yolanda Tucson of my staff on (111) 777-7777.

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HUD-Wash., D. C.

Please be assured of my appreciation of your cooperation in this important matter.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

## FORM LETTER #5

To announce a complaint investigation

NOTE: Form Letter #5 may be combined with form letters #4, 6, 7, or 8, as appropriate

Mr. Random Martin  
Executive Director, Smackover  
Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

Section 1.7(c) of the Departmental Regulation implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provides for a prompt investigation whenever a complaint or any other information indicates a possible failure to comply with Title VI or its implementing regulation. A complaint has been filed in this Office which indicates a possible failure to comply with Title VI of the Civil Rights Act of 1964 in the operation of the Smackover Housing Authority.

Member(s) of our Regional Office of Fair Housing and Equal Opportunity will conduct an investigation of this matter. Their present schedule will permit them to visit your Authority during the week of March 24, 1975. Please advise us promptly if that time is convenient for you and your staff. You may confirm this time, or suggest another, by calling Ms. Yolanda Tucson of my staff, on (111) 777-7777.

Please be assured of my appreciation of your cooperation in this important matter.

Sincerely,

Roget Theasaurus  
ARA/FHEO

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)



## FORM LETTER #6

To announce a combined Title VI  
and Section 109 (HDCA) compliance review

NOTE: Form letter #6 may be combined with  
form letter #4, 5, 7, or 8, as appropriate

Mr. Random Martin  
Executive Director  
Department of Community  
Planning and Development  
550 East Street  
Smackover, Ozium

Dear Mr. Martin:

The Departmental Regulations implementing Title VI of the Civil Rights Act of 1964 and Section 109 of the Housing and Community Development Act of 1974 (copies enclosed) provide for a periodic review or audit of the practices of recipients of Federal assistance to determine whether they are complying with nondiscrimination requirements of each of these laws.

Local HUD assisted (agencies) are selected for compliance review on the basis of population and racial character of their locality; existence, size and nature of housing and community development programs; date of last compliance review; complaints; etc. Your Authority, among others in our Region, has been so selected.

Member(s) of our Regional Office of Fair Housing and Equal Opportunity staff will conduct the review. The staff's schedule will permit a visit to your Agency during the week of March 24, 1975. Please advise us promptly if that time is convenient for you and your staff. You may confirm this time, or suggest another, by calling Ms. Yolanda Tucson of my staff, on (111) 777-7777.

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Please be assured of my appreciation of your cooperation in this important matter.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Honorable J. James Foremost  
Mayor, City of Smackover  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

## FORM LETTER #7

To announce a combined Title VI and  
Section 109 (HCDA) investigation

NOTE: Form letter #7 may be combined with form  
letters 4, 5, 6, and 8, as appropriate

Mr. Random Martin  
Executive Director  
Department of Community  
Planning and Development  
550 East Street  
Smackover, Ozium

Dear Mr. Martin:

The Departmental Regulations implementing Title VI of the Civil Rights Act of 1964 and Section 109 of the Housing and Community Development Act of 1974 (copies enclosed) provide for a prompt investigation whenever a complaint or any other information indicate a possible failure to comply with the nondiscrimination requirements of each of these laws.

Local HUD assisted (agencies) are selected for compliance reviews on the basis of population and racial character of their locality; existence, size and nature of housing and community development programs; date of last compliance review; complaints, etc. Your Authority, among others in our Region, has been so selected.

Members of our Regional Office of Fair Housing and Equal Opportunity staff will conduct the review. Their present schedule will permit them to visit your Agency during the week of March 24, 1975. Please advise us promptly if that time is convenient for you and your staff. You may confirm this time, or suggest another, by calling Ms. Yolanda Tucson of my staff, on (111) 777-7777.

Please be assured of my appreciation of your cooperation in this important matter.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Honorable J. James Foremost  
Mayor, City of Smackover

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## FORM LETTER #8

To confirm a compliance review  
(adaptable in confirmation of  
form letter 4,5,6, or 7 visits)

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

This is to confirm the conversation between you and a member of my staff in which it was agreed that staff from this Office would conduct an on-site review of the Smackover Housing Authority to determine its compliance with Title VI of the Civil Rights Act of 1964.

The investigator(s) (team leader) assigned to conduct the investigation of your Authority is Robert Bond. Mr. Bond (and a team of three investigators) will be in your city Monday, March 24, 1975. They expect to arrive at your Office at 9:30 on Monday morning.

In order to facilitate our review, and minimize our on-site staff time, please have available for our visit the following records and/or information:

1. Copy of current HUD-approved Tenant Selection and Assignment Plan, with evidence of such HUD approval;
2. Racial occupancy characteristics of all projects administered by your Authority, including leased housing;
3. A description of the Authority's application processing system;
4. A compilation of the Authority's staff assignments by race, sex, title and salary and a copy of the Authority's current personnel policy (to include the LHA's organizational chart);
5. A description of the eviction and grievance procedures now being utilized by your Authority;

6. A city map, showing the location of all public housing, including leased housing, in the locality and the racial character of the neighborhood in which such housing is located;
7. A copy of the Authority's Affirmative Action Plan for Equal Employment Opportunity, if such a plan exists.

I will also appreciate your making available to my staff such other records and personnel as they may require.

Please be assured of our appreciation of your cooperation in this important matter.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

FORM LETTER #9

To notify complainant of an  
investigation

Ms. Tacitia Jones  
1964 Swinglane  
Smackover, Ozium

Dear Ms. Jones:

The matter referenced in your letter-complaint of February 30, 1975, alleging racial discrimination in the operation of the Smackover Housing Authority will be investigated by staff from this Office. The investigation has been scheduled for the week of March 24, 1975. Mr. Robert Bond has been assigned to investigate this matter. Mr. Bond will contact you to establish a time during the week of March 24 when it will be convenient for you to further discuss your complaint with him.

We appreciate your cooperation in this important matter.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

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## FORM LETTER #10

To advise complainant that the  
complaint is not substantiated

Ms. Tacitia Jones  
1964 Swinglane  
Smackover, Ozium

Dear Ms. Jones:

The matters referenced in your letter-complaint of February 30, 1975, alleging racial discrimination in the operation of the Smackover Housing Authority have been investigated by staff from this Office.

The results of our investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin, in any programs receiving Federal financial

My staff has analyzed the materials and facts gathered during the course of their investigation of your complaint for evidence of a failure to comply with any of the civil rights and other laws administered by the Office of Fair Housing and Equal Opportunity. We did not find any of these authorities violated.

We must therefore advise you that your complaint has not been substantiated and we are closing this matter in our files.

Thank you for taking the time to write to this Office. If we can be of assistance to you in the future, do not hesitate to call upon us.

Sincerely,

Roget Thesuarus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

## FORM LETTER #11

To notify respondent of apparent noncompliance with Title VI.  
(Adaptable for Title VI notice after complaint investigation of a combined Title VI and Section 109 matter)

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

Section 1.7(a) of the Departmental Regulation implementing Title VI of the Civil Rights Act of 1964 provides for a periodic review of the practices of recipients of Federal assistance to determine whether they are complying with nondiscrimination requirements of Title VI of the Civil Rights Act of 1964.

As you know, staff from this Office conducted such a review of the Smackover Housing Authority during the week of March 24, 1975. From this review, the staff determined that the Authority was administered and (or) operated in apparent noncompliance with Title VI and the Department's implementing Regulation, in the following areas:

1. Two apartment units--Carver (97%) and Washington (95%)--are racially identifiable as black occupied apartments. Section 1.4(b)(1)(iii) and (iv) of the Departmental Title VI Regulation prohibits segregation or separate treatment in any matter related to a person's receipt of housing under HUD funded programs; and prohibits restrictions in the access to such housing.
2. Disparity exists in the maintenance of the Carver and Washington buildings when compared with the remaining two apartment units operated by your Authority -- Mayo (95% white) and Kaiser (94% white). Disparity in maintenance was found in the following areas:



- a. Three of four washing machines in the Carver Building were inoperable; all four of the washing machines in Washington were nonfunctional; neither Carver or Washington has visible drying facilities. Both Mayo and Kaiser had four operating washing machines and two dryers each.
- b. Open 40 watt lights served the laundry rooms of the Carver and Washington buildings; Mayo and Kaiser were both lighted by two 100 watt covered light bulbs.
- c. A random sample group of 50 minority tenants indicated that many of the minority tenants were experiencing difficulties with heat, hot and cold water, and flushing toilet. Forty-five of the fifty interviewed were experiencing such problems on the day of the interview. Of the random sample of 50 white tenants, five had experienced similar difficulties at various times prior to our review. However, these persons indicated that the duration was always short lived. None of the white persons were experiencing difficulties when interviewed.

Section 1.4 of the Departmental Title VI Regulation prohibits any disparity in the operation or administration of HUD funded housing which is based on race, color, or national origin.

3. Minority tenants (5 and 10 families respectively) who occupied apartments in Mayo and Kaiser Buildings were assigned to basement units in consecutive numbered apartments. Section 1.4(b)(i)(ii) of our regulation requires the assignment of tenants to buildings in a manner which is not inconsistent with the objectives of Title VI.
4. Modernization funds, provided in June 1973, by HUD contract M 3000 for the purpose of improving the appearance of apartment buildings and grounds in your Authority, were used primarily to improve Mayo and Kaiser Buildings, (\$25,000) and to plant grass seeds around the Carver and Washington (\$500), a violation of section 1.4(b)(1)(IV) the Departmental Title VI Regulation.

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It is the policy of this Department that all persons benefit and participate in HUD financed programs on a nondiscriminatory basis. Your Authority receives financial assistance from this Department and must adhere to Departmental policy as well as the requirements of Title VI. Therefore, within thirty (30) days from the date of this letter, please advise me: (1) whether and how the Authority intends to immediately voluntarily comply with Title VI; or (2) whether you wish to submit for our review and approval, a plan or method for compliance with Title VI. Your Authority will be afforded sixty (60) calendar days from the date of your receipt of this letter for preparation of this plan. Should you or your Board of Directors request, the staff of this Office are available to advise you during your preparation of such plan.

If the Authority does not voluntarily comply or adopt and implement a plan adequate to accomplish the purpose of Title VI within 60 calendar days from the date of this letter, it will be necessary for this Office to refer this matter to the Assistant Secretary for Fair Housing and Equal Opportunity in Washington with a recommendation that the Department begin administrative proceedings pursuant to Section 602 of Title VI of the Civil Rights Act of 1964 seeking the termination of Federal assistance for your Housing Authority. Needless to say, I hope your Authority will be able to furnish and implement the necessary plan so there will be no need for administrative proceedings. If you wish our advice in this matter, please do not hesitate to contact me.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

## FORM LETTER # 12

To accept a plan for  
voluntary compliance  
with Title VI

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

Thank you for your letter of May 15, 1975, in which you submitted a revised Smackover Housing Authority tenant selection and assignment plan for compliance with Title VI of the Civil Rights Act of 1964.

Under that plan, it is our understanding that steps will be taken to:

1. assure assignment of tenants on a nondiscriminatory basis;
2. further integrate each housing project;
3. notify present tenants, prospective tenants and the community at large of the policy of nondiscrimination; and
4. notify the Office of Fair Housing and Equal Opportunity of the results of the plan's operation every three months for one year and every six months thereafter for two years.

A copy of your plan is on file in our Office and in the Headquarters Office of Fair Housing and Equal Opportunity in Washington. The plan you submitted has been approved by this Office and by the Assistant Secretary for Fair Housing and Equal Opportunity. Since it appears that the implementation of this plan should eliminate the racial identification (segregation) of housing units operated by the Smackover Housing Authority, the Authority will be in compliance with the requirements of Title VI of the Civil Rights Act of 1964 so long as it carries out the plan, thereby remaining eligible to receive financial assistance from this Department. However, it has

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been our experience that even in the integrated housing projects, minority groups are sometimes segregated into certain areas of a project. We would hope that your Authority will take appropriate steps to assure that such a condition does not occur.

The Assistant Secretary for Fair Housing and Equal Opportunity has asked that I inform you that costs and expenses incurred during the process of lateral transfer of tenants, in accordance with the revised plan, may be borne by the Authority and shall be considered approved operating expenses by the Department. In this regard, it is important to note that the Department is limited in its payments of operating subsidies to LHAs to amounts determined pursuant to a formula which does not include the capacity for increasing subsidy payments resulting from this kind of expense.

We commend you and your board (Authority) for the leadership you have taken. Please do not hesitate to call upon us if we can be of further service to you.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

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## FORM LETTER #13 (a)

To reject a plan for voluntary compliance with Title VI before it has been reviewed by the AS/FHEO

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

Thank you for your letter of May 15, 1975, in which you submitted a revised Smackover Housing Authority tenant selection and assignment plan for compliance with Title VI of the Civil Rights Act of 1964.

Under that plan it is our understanding that steps will be taken to:

1. assign new tenants on a nondiscriminatory basis;
2. integrate the HUD housing project when construction is complete in 1976; and
3. notify present tenants, prospective tenants, and the community at large of the policy of nondiscrimination as of May 30, 1975.

Section 1.4(b)(6) of that regulation (copy attached) requires HUD recipients to take affirmative action to overcome the effects of prior discrimination. Your plan does not offer a method for integrating the Overton and Smithville projects and does not indicate how you intend to increase the numbers of Spanish surnamed persons in the Smackover Housing Project.

Since you continue to have time remaining before our Regulation requires this Office to refer this matter to our Central Office for formal enforcement, may I suggest you submit a second plan designed to overcome the deficiencies stated above. If this Office does not receive a second plan for your immediate compliance with Title VI, we have no alternative but to refer your Authority's

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compliance file to our Central Office with a recommendation that the Department initiate administrative enforcement proceedings which would lead to the termination of Federal financial assistance to your Authority.

Please advise me of your intentions with respect to this matter.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

Attachment

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

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HUD-Wash., D. C.

## FORM LETTER #13(b)

Letter to reject a plan for voluntary compliance with Title VI after it has been reviewed by the AS/FHEO

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

The Assistant Secretary for Fair Housing and Equal Opportunity has asked that I inform you that the revised tenant selection and assignment plan submitted by your Authority November 20, 1975, does not meet the requirements of Title VI of the Civil Rights Act of 1964, or the Departmental Title VI Regulation Section 1.4(b)(6) of that regulation (copy enclosed) requires HUD recipients to take affirmative action to overcome the effects of prior discrimination. Your plan does not offer a method to address items number 1 and 2 of our letter of August 18, 1975.

Our regulation requires the initiation of the administrative hearing process whenever there is a failure to comply with the requirements of Title VI (see 24 CFR 1.8). Because your Authority has not submitted an acceptable plan for compliance with Title VI, steps have been taken to initiate the administrative hearing process which would lead to the termination of Federal financial assistance from this Department. You should hear from our Washington Office within the very near future in this regard.

We deeply regret that this action must be taken. If you should reconsider your position, however, please advise this Office and we will be happy to assist you in your effort to resolve these matters through voluntary compliance.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

APPENDIX 3.14

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## FORM LETTER #14

To notify complainant of Title VI  
compliance status of respondent

Mrs. Tacitia Jones  
1964 Swinglane, Apt. 602  
Smackover, Ozium

Dear Mrs. Jones:

The matters referenced in your letter-complaint of February 30, 1975, alleging racial discrimination in the operation of the Smackover Housing Authority have been investigated by staff from this Office.

My staff found a number of apparent violations of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter-complaint. Efforts are underway to correct these Title VI deficiencies (or this Office has referred this matter to the Headquarters Office of Fair Housing and Equal Opportunity with a recommendation that the Department begin the administrative hearing process to enforce Section 602 of that Law).

Thank you for calling this important matter to our attention, and you were extremely helpful during our review of the Smackover Housing Authority. (If a hearing is requested, language as follows may also be appropriate). You may be hearing from this Office, or HUD staff from Washington, if your services should be needed during the administrative hearing process.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

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HUD-Wash., D. C.



FORM LETTER #15(a)

To notify a respondent of the referral  
of a Title VI matter to Central Office

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

On March 29, 1975, representatives of this Office concluded a week on-site review of the Smackover Housing Authority. From this review it was determined that housing units were racially identifiable and that tenants were assigned to units by their race in apparent violation of Title VI of the Civil Rights Act of 1964.

We requested that you submit a plan for compliance with Title VI. However, you submitted a plan which did not insure compliance with Title VI in the areas of our immediate concern: to wit, the integration of the Overton and Smithville Projects as well as all other units operated by your Authority.

Because your Authority has not submitted an acceptable plan for compliance with Title VI we conclude that this matter can not be resolved by informal means. I have no alternative but to refer your Authority's compliance file to our Central Office with a recommendation that the Department initiate administrative enforcement proceedings which could lead to the termination of Federal financial assistance to your Authority.

Since the file is being transferred, all further communications with the Office of Fair Housing and Equal Opportunity concerning the Smackover Housing Authority should be directed to:

Assistant Secretary for Fair Housing  
and Equal Opportunity  
Attention: Office of HUD Program  
Compliance  
U. S. Department of Housing and  
Urban Development  
Washington, D. C. 20410

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We deeply regret that this action must be taken. If you should reconsider your position, however, please advise this Office and we will be happy to assist you in your efforts to resolve these matters through voluntary compliance.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

## FORM LETTER #15(b)

To notify a respondent of the receipt of  
a referred Title VI matter by Central Office.

Mr. Random Martin  
Executive Director  
(or Chairman Housing Commission)  
Smackover Housing Authority  
555 North Street  
Smackover, Ozium

Dear Mr. Martin:

This letter is to advise you that the Assistant Regional Administrator for Fair Housing and Equal Opportunity in our Ozium Regional Office has informed this Office that he/she has determined that the matter of your housing authority's noncompliance with Title VI of the Civil Rights Act of 1964 cannot be resolved by informal means. Because the Regional effort to secure your voluntary compliance has failed, the case file and background material have been forwarded to this Office with a recommendation that an administrative hearing be initiated.

OPTIONAL [ My staff is reviewing the case. You will be informed of our  
intention with respect to the Regional recommendation in  
the near future. ]

Sincerely,

Assistant Secretary for Fair  
Housing and Equal Opportunity

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Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
550 East Street  
Smackover, Ozium

Dear Mr. Martin:

Thank you for your prompt response to our letter of November 20, 1975. Your letter indicated that "the two (2) projects in Smackover are racially identifiable by choice of the applicants." This statement alone without documentation of offers across racial lines and the dates and reasons for rejection point out the necessity for affirmative action to remove the racial identifiability of your project site locations. Therefore we look forward to your prompt submission of a plan designed to desegregate your project site locations.

You are correct, item number 2 of our letter relative to the Smackover Housing Authority should read as follows:

Offers for units are apparently being made to applicants only at sites where their race predominates. Section 1.4(b)(i)(ii) of our regulation requires the assignment of tenants to buildings in a manner which is not inconsistent with the objectives of Title VI.

As you requested, the address of the Assistant Secretary for Fair Housing and Equal Opportunity follows:

Assistant Secretary for Fair  
Housing and Equal Opportunity  
U. S. Department of Housing  
and Urban Development  
Washington, D. C. 20410

To assist you further in preparing your response, we have enclosed a sample format for a plan used by numerous other authorities from which

you may make additions, deletions or completely revise as you wish.  
If you have any further questions, please let us know.

Sincerely,

Roger Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

Enclosure

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

## APPENDIX 3.16(b)

Mr. Random Martin  
Executive Director  
Smackover Housing Authority  
550 East Street  
Smackover, Ozium

Dear Mr. Martin:

Thank you for your letter with attachments dated December 16, 1975. Our review of your proposed plan indicates two (2) areas of unacceptability.

The first is the lack of reference to monitoring by this Office of your future affirmative activities in the form of reporting requirements. The reporting section of the sample plan furnished with our letter of December 4, 1975 or similar ideas created by your Office are necessary for this purpose. Any acceptable plan must provide for monitoring in the form of reporting requirements. We are also enclosing sample forms used by others in reporting their 'Love-Ins, 'Love-Outs and Eligible Applicants for monitoring. Perhaps this form can be used or modified for your use.

The second item is not with the plan but with the explanatory letters to tenants regarding transfers. The first letter to the tenants from your Office informing them of their right to request a transfer to assist the Authority in removing the racial identifiability of its project site locations and the tab at the bottom covering the tenant's response has been corrected and enclosed with this letter. If this letter is corrected as suggested, the next letter covering the Application To Transfer becomes unnecessary. The tenant needs only to inform the Authority that he is willing to transfer to any project composed predominantly of another race. With the above information, this Office believes you will be able to obtain a satisfactory plan approval from your Board during the next meeting on January 20, 1976. Because of the time limitations, we would appreciate a speedy response following the Board meeting.

Sincerely,

Roget Thesaurus  
Assistant Regional Administrator for  
Fair Housing and Equal Opportunity

Enclosures

cc: Mayor (as appropriate)  
Central Office (FHEO/Title VI Division)  
Area Office (FHEO)  
Program/ARA (as appropriate)

6/76

## FORM LETTER #17

Letter to acknowledge  
FOIA control date

Mr. Random Martin  
Executive Director  
Department of Community  
Planning and Development  
550 East Street  
Smackover, Ozium

Dear Mr. Martin:

This is to advise you that your written request for a copy of the Final Investigation Report concerning the Smackover Department of Community Planning and Development was received in this Office on Tuesday, July 8, 1975, at 3:00 p.m.

(Option A)

The report is in the final stage of preparation. As soon as my staff has completed the report, a copy will be made available to you. We expect the report to be completed no later than Friday, August 1, 1975.

(Option B)

The Smackover Final Investigation Report consist of 35 pages. The Departmental fee schedule per page reproduction is enclosed for your ready reference. As soon as your check or money order is received in this Office as prescribed in the enclosed schedule, a copy(s) will be forwarded to you. Please note we are limited by Department Regulation, 24 CFR 15, to provide a maximum of ten copies.

(OPTION C)

The Smackover Final Investigation Report is located in our Regional Office in Rotunda, Illinois. I have authorized the release of the report to you. I have been advised that the Smackover Final Investigation Report consists of 35 pages. The Departmental fee schedule per page reproduction is enclosed for your ready reference. As soon

APPENDIX 3.17

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as your check or money order is received in this Office as prescribed in the enclosed schedule, a copy(s) will be forwarded to you. Please note we are limited by Department Regulation, 24 CFR 15, to providing a maximum of ten copies.

I trust this information will be useful to you. If we may be of further assistance, please do not hesitate to call on us.

Sincerely,

Assistant Secretary for Fair  
Housing and Equal Opportunity



SMACKOVER  
CASE SUMMARY  
REPORT OF A TITLE VI COMPLAINT INVESTIGATION  
IN THE

SMACKOVER, OZIU

CASE NO. 00-75-05-047-300

DATE(s) OF INVESTIGATION: MARCH 24 and 29, 1975

The above captioned matter was investigated as a result of a March 11, 1974, complaint filed by a Minority (Black) couple with the Regional Office of Fair Housing and Equal Opportunity. The complaint alleged racial discrimination in the operation of the Smackover, Ozium Housing Authority.

The Regional investigation indicated that the Smackover Housing Authority has caused and perpetuates the racial identifiability of its four housing project sites and consequently, the racial segregation of tenants. Applicants are not assigned in accordance with an adopted plan, providing for assignment on a community-wide basis in sequence based upon the date and time the application is received. The Executive Director advocates and utilizes a "freedom of choice" policy, which is inconsistent with the provisions of Title VI.

The Smackover Housing Authority is in apparent noncompliance with Title VI of the Civil Rights Act of 1964. Efforts to secure voluntary compliance informally have not been successful.\*/ The Executive Director of the Authority and the Board of Commissioners unanimously voted to "decline execution" of a model voluntary plan for Title VI compliance, and have failed to provide a model voluntary plan for their own. (Exhibit 5)

The Regional Office has determined that informal resolution cannot be accomplished and refers this matter to Central Office for initiation of formal enforcement proceedings. (Exhibit 8)

\*/ (See Exhibit 5, 6, and 7)